

UNITED STATES DISTRICT COURT

for the
District of Alaska

United States of America
v.
Gordon CARVALHO
AND
John Pearl SMITH

Case No. 3:16-mj-0260-KFM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 22, 2016 in the county of _____ in the
_____ District of Alaska, the defendant(s) violated:

Code Section

Offense Description

18 USC 922g(1)

possession of a firearm(s) and/or ammunition having been convicted of a
crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

Listed in the affidavit of Special Agent Thomas J. King, hereto and incorporated herein by this reference.

☒ Continued on the attached sheet.

Signature Redacted

Complainant's signature

Thomas J. King, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: June 27, 2016

Is/ Kevin F. McCoy
United States Magistrate Judge
Signature Redacted

City and state: Anchorage, AK

Kevin F. McCoy, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF Thomas J. King
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES

I, Thomas J. King, being duly sworn, depose and state that:

I. EXPERIENCE OF AFFIANT

I am a graduate of Buffalo State College, where I obtained a Bachelor of Science in criminal justice. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, and have been so employed since February 14, 2001. Prior to that, I was a Special Agent with the Immigration and Naturalization Service for five years and an Inspector with the United States Customs Service for three years.

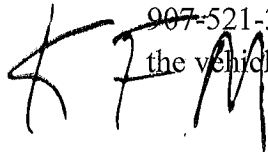
I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. As a result of my training and experience as an ATF Special Agent, I am familiar with the federal firearms laws. Through my experience, I have also investigated numerous cases involving 18 USC section 922(g)(1), Felon in Possession of a Firearm, 18 USC § 924(c), Using or Carrying a Firearm in Relation to a Crime Involving Drug Trafficking or Possession of a Firearm in Furtherance of a Drug Trafficking Crime, and 21 USC §§ 841 et seq., Controlled Substance violations.

II. PURPOSE OF AFFIDAVIT

Based on the facts set forth in this affidavit, there is probable cause to believe that Gordon CARVALHO and John Pearl SMITH have committed violations involving the possession of a firearm(s) and ammunition, having previously been convicted of a felony, in violation of 18 USC Section 922(g)(1).

III. PROBABLE CAUSE

1. In June of 2016 members of the Alaska State Troopers (AST) initiated an investigation regarding a double homicide and arson that took place in Wasilla, Alaska. Investigators determined that their main suspect for these crimes was convicted felon John Pearl SMITH. AST Investigators developed information that SMITH's primary vehicle was a Chevrolet Equinox bearing State of Alaska License Plate FSS149, and that SMITH was using a cell phone with the number 907-521-3916. AST obtained warrants authorizing tracking of the cell phone and the vehicle, and began near constant surveillance on SMITH. Surveillance and



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investigation revealed that SMITH's primary residence was 5238 Alvin's Alley, Meadow Lakes, Wasilla.

2. On June 22, 2016, AST Investigator Andy Ballesteros observed SMITH driving the Equinox. Inv. Ballesteros confirmed that SMITH went to 740 Stamper, Wasilla, which was later determined to be the residence of convicted felon Gordon CARVALHO. Surveillance confirmed that SMITH eventually left that area and returned to his residence at 5238 Alvin's Alley. Surveillance indicated that he was followed by a 2012 black Hyundai sedan, bearing AK license plate GHK113.
3. Later that same date, surveillance was being conducted at 5238 Alvin's Alley, when Investigators observed SMITH's Equinox and the Hyundai sedan at the residence. Throughout surveillance both the phone and the vehicle belonging to John SMITH were being monitored, and visual surveillance was maintained as well via surveillance units on the ground and in the air.
4. Agents on surveillance observed that SMITH opened the hood of his Equinox and after several moments appeared to take something from an area under the hood, which was determined to be a handgun. The driver of Hyundai, later confirmed to be Gordon CARVALHO, was observed removing a rifle and a handgun from his vehicle.
5. Agents observed that CARVALHO and SMITH both possessed the rifle and handgun that had been taken from CARVALHO's vehicle, and both men shot the firearms. SMITH also shot the handgun that he had removed from his vehicle. After approximately one hour of shooting the various guns, CARVALHO returned the rifle and one handgun into his vehicle, and SMITH hid a handgun back under the hood of his vehicle.
6. CARVALHO eventually left the property driving the black Hyundai. Surveillance was maintained on CARVALHO at that time. Investigators observed CARVALHO driving erratically and eventually a marked AST unit pulled over CARVALHO for speeding. When CARVALHO was pulled over by AST Trooper Havens, Trooper Havens observed Lindsey Porkorny (whom had been picked up by CARVALHO after CARVALHO left 5238 Alvin's Alley) in the passenger seat, who was known to Trooper Havens as a convicted felon. Trooper Havens ran CARVALHO and determined that not only was CARVALHO on felony probation/parole, but that associating with other felons was a violation of the conditions of his release.

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7. CARVALHO was subsequently removed from the vehicle and detained pending contact with Anchorage Probation. Investigators later obtained a State search warrant for the vehicle. Among the items seized were a DPMS, .308 caliber semi-automatic rifle, with one empty 30 round magazine, additional .308 caliber magazines, one .308 caliber cartridge, and a Taurus, Model PT145 Pro, .45 caliber semi-automatic handgun which AST confirmed was reported stolen. I later spoke with ATF Special Agent Brent McSweyn, who is an Interstate Nexus expert, and Agent McSweyn stated that both of these firearms were manufactured outside the State of Alaska and have affected Interstate Commerce.
8. I have reviewed the criminal history for John Pearl SMITH which shows he has been convicted for the felony offenses of Theft of a Firearm, Burglary in a Dwelling 1, Cause # 3PA05-2842, dated 11/06/06, Burglary 1, Cause # 3PA-05-410, dated 03/10/06, Felon in Possession of a Weapon, Cause #3PA-04-2788, Robbery 1/Armed w/ a deadly weapon, Assault 3, and Vehicle Theft 1, Cause #3PA-04-2791, dated 03/10/06, and Vehicle Theft 1, and Theft 2, Cause #3PA-04-2787, dated 03/10/06 in the Palmer District, State of Alaska.
9. I have reviewed the criminal history for Gordon CARVALHO which shows he has been convicted for the felony offenses of Felon in Possession of a Weapon, Failure to Stop at the Direction of an Officer, Assault 3, Vehicle Theft 1, and Robbery 1/Armed W/ a Deadly Weapon, Cause #3PA-05-1481, dated 07/07/06, Tampering with Physical Evidence, Cause #3PA-03-2110, dated 07/02/04, in the Palmer District, State of Alaska.

Signature Redacted

Thomas J. King
Special Agent
BUREAU OF ALCOHOL, TOBACCO
FIREARMS AND EXPLOSIVES

SUBSCRIBED AND SWORN TO before me this 27th day of June 2016, at Anchorage, Alaska.

/s/ Kevin F. McCoy
 United States Magistrate Judge
 Signature Redacted

Kevin F. McCoy
 United States Magistrate Judge

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